

11/30/01
J1130 U.S. PTO

PATENT
ATTORNEY DOCKET NO.: 044170-5034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

JC564 U.S. PTO
09/997023
11/30/01

TRANSMITTAL FOR A NEWLY EXECUTED
ORIGINAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventors: R. Sam Niedbala, John W. Scott, Peter A. Bourdelle, and Hans. H. Feindt

For: **SAMPLE COLLECTOR AND TEST DEVICE**

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:
 - 36 Pages of Specification including
 - 1 Title Page
 - 14 Page of Claims
 - 1 Page of Abstract
 - 8 Sheets of drawings containing 14 Figures

☐ The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
3. Combined Declaration and Power of Attorney
 - ☒ Enclosed and is executed by all inventors.
 - ☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. Language
 - ☒ English
 - ☐ Non-English

This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

☒ An assignment of the invention to OraSure Technologies, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☐ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign applications is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
| | | |
| | | |
| | | |

Certified copy(ies): ☐ is/are attached. ☐ will follow.

7. Priority based on an International Application

☐ Priority of the following international application under 35 U.S.C. § 365(c) is claimed:

| Application No. | Filed |
|-----------------|-------|
| | |
| | |

A. Relate Back - 35 U.S.C. § 119(e)

☒ Amend the specification by inserting before the first line the sentence:
 "This application claims priority of copending provisional application(s)
 No. 60/325,170 filed on September 28, 2001."

8. Small entity status

☐ A statement claiming small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

9. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|---|--------------|--------------|----------------|--|
| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$740.00 Design \$330.00 |
| Total Claims (37 C.F.R. § 1.16(c)) | 72 - 20 = | 52 | \$ 18.00 each= | \$ 936.00 |
| Independent Claims (37 C.F.R. § 1.16(b)) | 7 - 3 = | 4 | \$ 84.00 each= | \$ 336.00 |
| Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d)) | | | \$280.00 | + |
| SUB-TOTAL = | | | | \$1,272.00 |
| Reduction by 1/2 for filing by a small entity | | | | - \$ |
| TOTAL FILING FEE = | | | | \$1,272.00 |

10. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.
A check in the amount of \$1,312.00 representing the basic filing fee of \$1,272.00 and an assignment recordation fee of \$40.00 is enclosed.

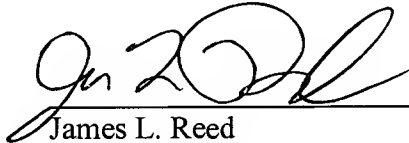
11. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

12. Additional papers enclosed:
- ☐ Preliminary Amendment
 - ☒ Information Disclosure Statement
 - ☒ Form PTO-1449
 - ☐ International Search Report
 - ☐ Submission of Priority Document with certified copy

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



James L. Reed
Reg. No. 43,877

Dated: November 30, 2001

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
(202) 467-7000